

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Ronald Moxley,

Plaintiff,

vs.

Leland Dudek, Acting Commissioner
of Social Security,

Defendant.

Civil Action No. 4:24-2517-RMG

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security denying her claim for disability insurance benefits (“DIB”). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 DSC, this matter was referred to a United States Magistrate Judge for pre-trial handling. The Magistrate Judge issued a Report and Recommendation (“R & R”) on April 10, 2025, recommending that the Commissioner’s decision be affirmed. (Dkt. No. 15). Plaintiff filed no objections to the R & R.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge. 28 U.S.C. § 636(b)(1).

The role of the federal judiciary in the administrative scheme established by the Social Security Act is a limited one. The Act provides that the “findings of the Commissioner of Social Security as to any fact, if supported by substantial evidence, shall be conclusive.” 42 U.S.C. § 405(g). “Substantial evidence has been defined innumerable times as more than a scintilla, but less than preponderance.” *Thomas v. Celebrezze*, 331 F.2d 541, 543 (4th Cir. 1964). This standard precludes *de novo* review of the factual circumstances that substitutes the Court's findings of fact for those of the Commissioner. *Vitek v. Finch*, 438 F.2d 1157, 1157 (4th Cir. 1971).

Although the federal court's review role is a limited one, “it does not follow, however, that the findings of the administrative agency are to be mechanically accepted. The statutorily granted right of review contemplates more than an uncritical rubber stamping of the administrative action.” *Flack v. Cohen*, 413 F.2d 278, 279 (4th Cir. 1969). Further, the Commissioner's findings of fact are not binding if they were based upon the application of an improper legal standard. *Coffman v. Bowen*, 829 F.2d 514, 519 (4th Cir. 1987).

Plaintiff was 51 years old at the time of his alleged disability onset date. He had a past work history as a fuel oil deliver driver and tow truck driver. He alleges disability due to irritable bowel syndrome (IBS), chronic fatigue, chronic migraines, vertigo, degenerative knees, fractured left foot, PTSD, and anxiety. (Dkt. No. 15 at 2). The Administrative Law Judge (ALJ) found that Plaintiff suffered from the following severe impairments: IBS, migraine headaches, right hip avascular necrosis, PTSD, and anxiety. Nonetheless, the ALJ concluded that Plaintiff retained the residual functional capacity to perform less than the full scope of medium work and

that there were jobs in significant numbers in the national economy Plaintiff can perform. (*Id.* at 2-3).

The ALJ noted that while Plaintiff complained of many subjective conditions, he has received minimal medical care and treatment despite the fact that he has access to VA medical services. The ALJ ultimately concluded that Plaintiff's subjective complaints and statements were inconsistent with his medical records. The Magistrate Judge made a careful review of the record and the ALJ findings and concluded that there was substantial evidence to support the findings and conclusions of the ALJ. (*Id.* at 19). As mentioned above, Plaintiff filed no objections to the R & R.

The Court finds that the Magistrate Judge ably analyzed the factual and legal issues presented on appeal and correctly concluded that the decision of the Commissioner should be affirmed. The Court adopts the R & R of the Magistrate Judge (Dkt. No. 15) as the order of the Court. The decision of the Commission is affirmed.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

Charleston, South Carolina
April 28, 2025